

AESO/SE
Region 2/ES-SE-000089RO
2-21-92-F-503

May 11, 2001

Mr. Larry Sears
District Ranger
Blue Ridge and Long Valley Ranger Districts
HC 31 Box 300
Happy Jack, Arizona 86024

Dear Mr. Sears:

This letter amends the February 2, 1999, Biological Opinion on the "Southwest Region, U.S. Forest Service, Ongoing Livestock Grazing Activities on Allotments" (Ongoing Grazing BO; Consultation Number: Region 2/ES-SE 000089RO). The Fish and Wildlife Service, Arizona Ecological Services Office, received your April 9, 2001, request for re-initiation of consultation for the Buck Springs Range Allotment for the 2001 grazing season on April 11, 2001. The Forest Service provided a "Biological Assessment for Buck Springs Allotment for the 2001 Grazing Season and Little Colorado Spinedace and its Designated Critical Habitat." In addition, the Forest Service resubmitted assessments completed in 1998 for the Mexican spotted owl, bald eagle, and southwestern willow flycatcher for the Buck Springs Allotment. We previously concurred with the Forest Service's determination that ongoing grazing "may affect, but will not likely adversely affect" the Mexican spotted owl and southwestern willow flycatcher. The Forest Service has determined that the proposed project will have "no effect" on the bald eagle.

We amended the Ongoing Grazing BO for the Buck Springs Allotment on April 21, 1999. That amendment described project modifications and modified stocking rates and allowable utilization levels, and included two replacement Terms and Conditions and removed one Term and Condition from the 1999 BO. This new amendment extends the consultation period to include the 2001 grazing season only. The Buck Springs Allotment Management Plan (AMP) is currently undergoing environmental analysis with a Draft Environmental Impact Statement expected to be published in May 2001, and a record of decision in fall 2001. A separate consultation will be completed on the AMP prior to grazing in 2002.

Description of Proposed Action:

The following is to be inserted into The Ongoing Grazing BO, page 62.

Permitted Use:

- 1065 yearlings (conversion from 746 cow/calf); and 8 horses from May 30 - October 15

Projected Use 2001:

- 645 yearlings and 6 horses from May 31 - October 31

Grazing System:

- Deferred/rest/rotation; time in pasture limited by utilization levels. Utilization levels as outlined in the April 21, 1999, amendment remain the same.

<u>Pasture</u>	<u>Dates</u>	<u># Days/Pasture</u>
Horse Pastures	5/31-6/10	11
North McClintock	6/11-6/17	7
McClintock	6/18 - 7/6	19
South Pinchot	7/7-7/22	16
South Battleground	7/23-8/14	23
North Pinchot	8/15-9/13	30
Burn	9/14-9/17	4
North Battleground	9/18-10/6	19
McCarty	10/7-10/19	13
Jumbo	10/20-10/31	12

- The dates for grazing in each pasture are tentative. The actual dates will be based on grass production, summer precipitation, and wildlife use of pastures. If forage production is poor due to low rainfall, or utilization is very high due to a combination of livestock and wildlife use, length of stay per pasture will be shortened. If all pastures in this sequence are used before the end of the season, livestock will be removed from the allotment. The permittee will monitor utilization rates prior to livestock entry into a pasture, during livestock use, and when livestock leave the pasture. Forest Service personnel will monitor utilization levels periodically, and at the end of the growing season. They will also monitor excluded areas (drainages, meadows, and pastures) for unauthorized use.
- The permittee will remove the livestock from the headwater meadows immediately if and when incidental use occurs.
- If more than minor, incidental use by livestock occurs in headwater meadows, or if livestock enter Little Colorado spinedace habitat (other than specified crossings), then livestock will be removed from the allotment for the remainder of the season.

- The permittee has committed to herding throughout the season in 2001 and has acquired the help of an expert. The Forest Service indicates that they would like the herding experiment to continue through the 2001 season in order to test the assertion that herding can be an effective tool in the Buck Springs Allotment.

Effects of the Action

The following is inserted into the Ongoing Grazing BO, effects section, pages 65-68. This language supplements the effects discussion included in the Ongoing Grazing BO and April 21, 1999, amendment. Because those two documents provided a detailed analysis of effects to Little Colorado spinedace of on-going grazing on this allotment, this amendment provides only an update of management changes and subsequent affects not previously discussed.

Herding was approved as an experiment for 1999 and 2000. While considered unsuccessful in 1999 due to multiple factors, herding worked very well during the first six weeks of 2000. Herding was not actively used in the second half of the grazing season by choice of the permittee. The Forest Service indicates that herding in 2000 was useful in maintaining much better control over livestock distribution and kept livestock away from sensitive areas. Monitoring conducted at least every two weeks by the Forest Service indicated no evidence of livestock in East Clear Creek, Leonard Canyon, major tributaries, or wet meadows. The permittee mended most fences in pastures to be used, with the exception of the water fence in the Dines enclosure. The Forest Service immediately reconstructed that fence. Otherwise, the permittee was in compliance for all requirements on the allotment in 2000. While herding was successful in 2000, questions still remain whether the benefits will carry over when livestock are in very large pastures, or in southern pastures where understory trees are very dense.

The Dines, North, Moonshine, and Horse Pastures were grazed in 2000. Grazing of the Horse Pastures is planned for 2001, whereas, Dines, North, and Moonshine Pastures will not be grazed in 2001. The annual operating plan for 2001 states that livestock will be taken off the allotment if major problems occur while in pastures with headwater meadows or sensitive drainages. Herding is expected to spread distribution throughout a pasture, reducing problems with over- and under-use, and keeping livestock out of sensitive areas.

The McCarty Pasture will be grazed in 2001. A new fence was constructed in the McCarty Pasture which will result in livestock exclusion from all but a four-mile reach along East Clear Creek. The streambank along the accessible four-mile reach is showing some recovery as a result of livestock exclusion over the past four years. The herders will keep livestock away from this accessible portion of the East Clear Creek drainage. The Forest Service will monitor the drainage for compliance every other day while this pasture is in use (Cathy Taylor, Blue Ridge Ranger District, pers. comm.). These measures should keep livestock from accessing the four-mile reach; if livestock are found in the drainage they will be removed immediately. Furthermore, if livestock are not controlled in southern pastures with herding, they will be removed from the allotment before they enter the McCarty Pasture.

Pasture moves between the McCarty and Jumbo Pastures require crossing East Clear Creek. The Forest Service indicates that they will comply with a 1997 Reasonable and Prudent Measure requiring that livestock crossings within East Clear Creek be surveyed to ensure that there are no pools with spinedace in the crossing area. Crossings will occur at dry creek locations if possible. These measures eliminate direct impacts to the spinedace, though some impacts to spinedace habitat may occur.

The site occupied by spinedace at Dines Tank is excluded from grazing by fences, and the adjacent pastures will not be used in 2001. Two other recently occupied sites are located within the Knolls Pasture in tributaries to Leonard Canyon. Livestock will not graze the Knolls Pasture until the environmental analysis for the AMP is completed. A separate consultation will be completed on the AMP prior to the 2002 grazing season.

The North Battleground and North Pinchot Pastures are adjacent to East Clear Creek. Access to East Clear Creek is currently excluded by topography and strategically placed fences. These fences will be checked before turnout in these pastures, and repaired if necessary. Forest Service personnel will also conduct monitoring to check on livestock presence in East Clear Creek and other excluded areas. If livestock are found in the canyons, they will be immediately removed.

We believe that full implementation of the proposed grazing schedule and controls such as herding and monitoring at least every two weeks will greatly reduce direct and indirect effects to Little Colorado spinedace and its critical habitat; However, we continue to believe that adverse affects to spinedace and critical habitat may result from grazing the Buck Springs Allotment. Our concerns include the fact that herding was not fully implemented during the 1999 and 2000 grazing seasons. While successful herding has been demonstrated on a limited level, there remains the very real possibility that it may not be implemented fully or successfully in 2001. While we believe that adverse affects are likely, we do not believe that the 2001 AOP results in new adverse effects beyond those analyzed in the Ongoing Grazing BO, and April 21, 1999, amendment. Therefore, additional take is expected.

Concurrences

We concurred with the U.S. Forest Service's preliminary effects determinations for species listed as threatened, endangered, or proposed for listing related to ongoing grazing activities on March 5, 1998. Our concurrence with a determination of "may affect, not likely to adversely affect" for the southwestern willow flycatcher and the Mexican spotted owl for ongoing grazing of the Buck Springs Allotment is documented in Appendix C of the supplemental information submitted by the U.S. Forest Service on April 30, 1998, in which concurrence was granted for 32 species on 749 allotments.

Analysis of Effects and Concurrence

Southwestern Willow Flycatcher

No suitable habitat existed in 1998 for the Southwestern willow flycatcher, although four miles of potential habitat is present within the Allotment along East Clear Creek. Mitigation proposed by the Forest Service in 1998 includes surveying these four miles of habitat to determine habitat suitability at least every two years. If habitat becomes suitable, measures will be taken to remove cattle within two miles of the habitat and cowbird trapping will be implemented.

On May 3, 2001, the Forest Service indicated that the four miles of potential flycatcher habitat along East Clear Creek within the allotment were surveyed in 2000 to determine habitat suitability. The Forest Service concluded that no suitable habitat currently exists, although there is potential habitat that is of insufficient patch size or height to support southwestern willow flycatchers. In addition, the Forest Service indicates that there will be no direct effects to the potential habitat located within the allotment as livestock are excluded by topography from the habitat on this allotment.

The Forest Service indicates that the effects determination made in 1998 still applies to this range allotment for the 2001 grazing season. The 2001 AMP instructions and the implementation of those instructions follow the February 13, 1998, guidance criteria.

The Service concurs with your determination that the proposed action may affect, but is not likely to adversely affect the southwestern willow flycatcher for the 2001 grazing season.

Mexican Spotted Owl

Since the 1998 concurrence for the Mexican spotted owl, four new protected activity centers (PACs) have been established on the Buck Springs Allotment:

- Houston (#040733) lies completely within the North Pinchot pasture;
- Aquaduct (#040734) lies completely within the South Battleground pasture;
- Turkey (#040735) lies primarily within the North Battleground pasture with small pieces lying within the Burn and South Battleground pastures;
- Bear (#040736) lies within the South Battleground pasture.

Utilization levels will be managed within levels agreed to in the April 21, 1999 amendment to the Ongoing Grazing BO. These levels are believed to provide adequate cover and forage for prey species, and to supply fine fuels that will carry a low intensity ground fire. There are no key grazing areas including meadows within the new PACs or within the previously known PACs. Two of the PACs (Houston and Turkey) are in northern pastures with the majority of each PAC lying within steep canyons where livestock have little or no access based upon topography. The two other new PACs (Aquaduct and Bear) are in southern pastures with relatively-low topographic relief and much of each PAC is accessible to livestock. However, utilization levels are set at 25% in that pasture (South Battleground), no gathering or concentrating activities will

occur within any of the PACs, and no human disturbance or construction actions associated with the grazing allotment will occur in the PACs during the breeding season. The Forest Service indicates that if the 25% utilization level is met or exceeded due to ungulate grazing, livestock will not be permitted to use the South Battleground Pasture in 2001.

The Service concurs with your determination that the proposed action may affect, but is not likely to adversely affect the Mexican spotted owl for the 2001 grazing season.

Thank you for consideration of threatened and endangered species. We look forward to working with you on the Buck Springs AMP in the near future. If you have questions or if we may be of further assistance, please contact Michele James (520) 226-0007 or Steve Spangle (520) 226-0250.

Sincerely,

/s/ David L. Harlow
Field Supervisor

cc: Regional Director, Fish and Wildlife Service, Albuquerque, NM (ARD-ES)
Field Supervisor, Fish and Wildlife Service, Albuquerque, NM
Forest Supervisor, Coconino National Forest, Flagstaff, AZ (Attn: Cecilia Overby)
Arizona Fisheries Resource Office, Fish and Wildlife Service, Pinetop, AZ
John Kennedy, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ